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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,341	06/19/2001	Shlomo Orbach	ORBACH4	9649
1444	7590 02/23/2004		EXAMI	NER
BROWDY AND NEIMARK, P.L.L.C.			PAYNE, DAVID C	
624 NINTH STREET, NW SUITE 300			ART UNIT	PAPER NUMBER
WASHINGTO	WASHINGTON, DC 20001-5303			0
			DATE MAILED: 02/23/2004	. 3

Please find below and/or attached an Office communication concerning this application or proceeding.

. `	Application No.	Applicant(s)				
	09/883,341	ORBACH ET AL.				
Office Action Summary	Examiner	Art Unit				
	David C. Payne	2633				
The MAILING DATE of this communication Period for Reply	appears on the cover sheet with	i the correspondence address				
A SHORTENED STATUTORY PERIOD FOR RE THE MAILING DATE OF THIS COMMUNICATIO - Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a - If NO period for reply is specified above, the maximum statutory per - Failure to reply within the set or extended period for reply will, by sta Any reply received by the Office later than three months after the mile earned patent term adjustment. See 37 CFR 1.704(b).	N. R 1.136(a). In no event, however, may a represent the statutory minimum of thirty find will apply and will expire SIX (6) MONT atute, cause the application to become ABA	oly be timely filed (30) days will be considered timely. HS from the mailing date of this communication. NDONED (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 19	9 June 2001.					
·=	•					
,	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4) Claim(s) 1-7 is/are pending in the application 4a) Of the above claim(s) is/are without 5) Claim(s) is/are allowed. 6) Claim(s) 1-7 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction an Application Papers	drawn from consideration.					
9) The specification is objected to by the Exam	niner					
10)⊠ The drawing(s) filed on 19 June 2001 is/are: Applicant may not request that any objection to the Replacement drawing sheet(s) including the control of the control o	: a)⊠ accepted or b)⊡ object the drawing(s) be held in abeyand rection is required if the drawing(s	e. See 37 CFR 1.85(a). i) is objected to. See 37 CFR 1.121(d).				
Priority under 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for fore a) All b) Some * c) None of: 1. Certified copies of the priority docum 2. Certified copies of the priority docum 3. Copies of the certified copies of the papplication from the International Bur * See the attached detailed Office action for a 	ents have been received. ents have been received in Ap priority documents have been r reau (PCT Rule 17.2(a)).	plication No eceived in this National Stage				
Attachment(s)						
1) Notice of References Cited (PTO-892)	4) Interview Su	mmary (PTO-413)				
 Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB Paper No(s)/Mail Date 		/Mail Date formal Patent Application (PTO-152)				

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DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

 Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Milton et al. US 6,631,018 B1 (Milton).

Re claim 1, Milton disclosed

A Grouped Optical Add Drop Multiplexer (GOADM) comprising a periodic filter (Figure 3 #10, Col. 4, lines 64-67) for forming a group of optical wavelengths (Figure 3 #12) to be dropped or added.

Re claim 2, Milton disclosed

The Grouped Optical Add Drop Multiplexer (GOADM) for dropping or adding a group of optical wavelengths from/to a spectrum of optical wavelengths transmitted over an incoming optical line so that adjacent optical wavelengths in the spectrum are initially spaced from one

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another by a basic step "s", (Col. 5, lines 40-45) the GOADM comprises said periodic filter insertable in the incoming optical line as a primary filter to produce said group of optical wavelengths where adjacent wavelengths of the group are spaced from one another by a group step being equal to ks, wherein k is an integer >1. (Col. 5, lines 45-47)

Re claim 3, Milton disclosed

The GOADM provided with one or more secondary filters (Figure 3 #19) connected to said periodic filter (Figure 3 #10) serving a primary filter, wherein each of said secondary filters is responsible of dropping or adding one particular wavelength from said group. (Col. 5, lines 10-15)

Re claim 4, Milton disclosed

The GOADM according to claim 1, comprising an ADD module (Figure 3 #11, #18) and a DROP module (Figure 3 #10, #19), wherein the DROP module comprises a first said periodic filter (Figure 3 #10) serving as a primary DROP periodic filter and connected to a first assembly comprising one or more secondary DROP filters (Figure 3 #19) each responsible of separating a particular wavelength from the group, and wherein the ADD module comprises a second said periodic filter (Figure 3 #11) serving as a primary ADD periodic filter and connected to a second assembly comprising one or more secondary ADD filters (Figure 3 #18) each responsible of picking a particular wavelength for the group.

Re claim 5, Milton disclosed

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The GOADM wherein said first periodic filter and said second periodic filter are one and the same periodic filter enabling simultaneous operation of said two modules. (Figure 3)

Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Milton et al.
 US 6,631,018 B1 (Milton) in view of Onaka et al. US 6,351,323 B1 (Onaka).

Re claim 6, Milton does not disclose wherein said periodic filter is tunable.

Onaka disclosed tunable filters with band eliminating functions (paragraph 0013).

It would have been obvious to one of ordinary skill in the art at the time of invention to use tunable filters in the Milton invention for the benefit of having flexible filter that operate over a wide range of wavelengths that and thereby reduce the number of different filter types in a large system.

Re claim 7, Milton does not disclose with one or more secondary filters connected to said periodic filter serving a primary filter, the secondary filters being automatically tunable in response to tuning of the periodic filter. It would have been obvious to one of ordinary skill

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in the art at the time of invention to make all the Milton filters operate as tunable filters for the benefit of having flexible filter that operate over a wide range of wavelengths that and thereby reduce the number of different filter types in a large system.

Conclusion

- 5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fatchi et al. US 6,519,064 B1 disclosed a scalable modular add/drop architecture.
- 6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Payne whose telephone number is (703) 306-0004. The examiner can normally be reached on M-F, 7a-4p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (703) 305-4729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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